

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

Meeting Date: February 15, 2006 - KL

Division: County Attorney

Bulk Item: Yes ☐ No ☒

Department: County Attorney

Staff Contact Person: Susan Grimsley

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**AGENDA ITEM WORDING:**

Approval to advertise Notice of Public Hearing for March 15, 2006 regarding Notice of Intention to Consider Adoption of County Ordinance to establish a Purchase and Development Program for the purchase of property for affordable and employee housing and the development of the property.

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**ITEM BACKGROUND:**

The Board of County Commissioners of Monroe County, Florida, has determined that a need exists within Monroe County for the provision of affordable housing to people of moderate, middle or lesser income. The County desires to have a number of methods in place to increase the stock of affordable workforce housing. One method is to provide for the purchase of property by the County with a lease/back to a developer or other entities for development or redevelopment of property dedicated to affordable or employee housing.

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**PREVIOUS RELEVANT BOCC ACTION:**

On January 18, 2006, the Board approved a Request for Proposals and advertisement of an RFP for the opening of sealed proposals to be received on April 3, 2006 for this purpose.

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**CONTRACT/AGREEMENT CHANGES:**

N/A

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**STAFF RECOMMENDATIONS:**

Approval.

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**TOTAL COST:** TBD

**BUDGETED:** Yes ☒ No ☐

**COST TO COUNTY:** TBD

**SOURCE OF FUNDS:** Infrastructure Sales Tax Revenue ("304 Fund") and Other Available Funds and Sources

**REVENUE PRODUCING:** N/A Yes ☐ No ☐ **AMOUNT PER MONTH**  **Year:** TBD

**APPROVED BY:** County Atty ☒ OMB/Purchasing ☐ Risk Management ☐

**DIVISION DIRECTOR APPROVAL:**

John R. Collins 02/10/06  
**JOHN R. COLLINS, COUNTY ATTORNEY**

**DOCUMENTATION:** Included ☒ Not Required ☐

**DISPOSITION:**

**AGENDA ITEM #**

**NOTICE OF INTENTION TO CONSIDER  
ADOPTION OF COUNTY ORDINANCE**

NOTICE IS HEREBY GIVEN TO WHOM IT MAY CONCERN that on **Wednesday, March 15, 2006, at 3:00 P.M. at the Marathon Government Center, 2798 Overseas Highway, Mile Marker 47.5, Marathon, Monroe County, Florida**, the Board of County Commissioners of Monroe County, Florida, intends to consider the adoption of the following County ordinance:

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, PROVIDING FOR THE PURCHASE OF PROPERTY TO BE DEVELOPED FOR THE ESTABLISHMENT OF AFFORDABLE AND EMPLOYEE HOUSING; PROVIDING FOR THE FUTURE DEVELOPMENT OF SUCH HOUSING; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR INCORPORATION IN THE MONROE COUNTY CODE; AND PROVIDING AN EFFECTIVE DATE.**

Pursuant to Section 286.0105, Florida Statutes, notice is given that if a person decided to appeal any decision made by the Board with respect to any matter considered at such hearings or meetings, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Copies of the above-referenced ordinance are available for review at the various public libraries in Monroe County, Florida.

Dated at Key West, Florida, this 1<sup>st</sup> day of February, 2006.

DANNY L. KOLHAGE, Clerk of the Circuit Court  
and ex officio Clerk of the Board of County  
Commissioners of Monroe County, Florida

(SEAL)

Mayor Pro Tem Murray Nelson

ORDINANCE No. \_\_\_\_\_-2006

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA; PROVIDING FOR THE PURCHASE OF PROPERTY TO BE DEVELOPED FOR THE ESTABLISHMENT OF AFFORDABLE AND EMPLOYEE HOUSING; PROVIDING FOR THE FUTURE DEVELOPMENT OF SUCH HOUSING; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR INCORPORATION IN THE MONROE COUNTY CODE; PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, the Board of County Commissioners of Monroe County, Florida (the "County") has determined that a need exists within Monroe County for the provision of housing affordable to people of moderate, middle or lesser income; and

WHEREAS, the County desires to have a number of strategies in place to increase the County's stock of affordable and employee housing, and for those who are employed or self employed, housing commonly known as workforce housing; and

WHEREAS, one such strategy is to provide for the purchase and development or redevelopment of property to provide such affordable, employee, or workforce housing;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, as follows:

**SECTION 1.** The County hereby establishes for the purposes of increasing the available stock of affordable and employee housing the program described in this Ordinance (the "Purchase and Development Program").

**SECTION 2.** Under the Purchase and Development Program, the County may purchase from any willing landowner property located in the County and deemed desirable by the County for the future development of affordable or employee housing at a price of not more than 65% of the appraised value of said property. As a condition to such sale, the County may enter

into an agreement, acceptable to the County, whereby the selling landowner or another entity selected by such landowner leases the property back from the County for the development by such landowner or other entity of affordable or employee housing to be located on such site. Pursuant to said agreement, the land shall be owned by the County but the improvements may be leased to a private entity or individual for utilization as rental housing or leasehold interests sold to private entities or individuals as single family housing.

**SECTION 3.** In addition to any agreement entered into by the County for the development of affordable or employee housing as described in Section 2 above, the County shall develop by resolution procedures to implement the Purchase and Development Program terms of this ordinance, including (i) an application process whereby a property owner may apply for consideration by the County for purchase and development under the Purchase and Development Program, (ii) a mechanism for providing reasonable public notice of the opportunity to participate in the Purchase and Development Program; (iii) the criteria by which projects will be accepted for the Purchase and Development Program; (iv) monitoring of income eligibility and implementation of rental rate and purchase price restrictions for units at the property, (v) timelines for when the lease of acquired property would commence; (vi) restrictions on the ability of an individual purchaser of a leasehold interest in such property to sell his or her interest; (vii) the implementation of administration fees for the ongoing operation and monitoring of said project; and (viii) such other provisions as will further the provision of affordable and employee housing in the County.

**SECTION 4.** For purposes hereof, "affordable housing" and "employee housing" shall have those meanings as defined under the current Chapter 9.5 of the Monroe County Code of Ordinances, or Chapter 9.5 as amended, or any successor, amended or additional definitions or chapters of the Monroe County Code.

**SECTION 5.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**SECTION 6.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

**SECTION 7.** The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition or amendment thereto, and if necessary, shall be appropriately renumbered to conform to the uniform numbering system of the Code.

**SECTION 8.** This ordinance shall take effect immediately upon receipt of official notice from the Office of the Secretary of State of the State of Florida that this ordinance has been filed with said Office.

**PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Mayor Charles "Sonny" McCoy  
Mayor Pro Tem Murray Nelson  
Commissioner George Neugent  
Commissioner David Rice  
Commissioner Dixie M. Spehar

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(SEAL)  
Attest: DANNY L. KOLHAGE, Clerk

BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

By \_\_\_\_\_  
Deputy Clerk

By \_\_\_\_\_  
Mayor

MONROE COUNTY ATTORNEY  
APPROVED AS TO FORM:



JOHN R. COLLINS  
COUNTY ATTORNEY

Date 02/01/06